

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST
LITIGATION

Civ. No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

33-35 GREEN POND ROAD ASSOC., LLC,
on behalf of itself and all others similarly
situated,

Civ. No. 12-cv-5822 (NRB)

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

COURTYARD AT AMWELL II, LLC, et al.,
on behalf of themselves and all others similarly
situated,

Civ. No. 12-cv-6693 (NRB)

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

**NON-DEFENDANT OTC PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENTS WITH BARCLAYS PLC, BARCLAYS BANK PLC, BARCLAYS
CAPITAL INC., JPMORGAN CHASE & CO., JPMORGAN CHASE BANK, N.A.,
BANK OF AMERICA CORPORATION, BANK OF AMERICA, N.A. AND
CITIBANK, N.A., FOR PROVISIONAL CERTIFICATION OF SETTLEMENT
CLASSES, AND FOR APPOINTMENT OF SETTLEMENT CLASS COUNSEL**

Non-Defendant OTC Plaintiffs 33-35 Green Pond Road Associates, LLC, Courtyard at
Amwell II, LLC, Greenwich Commons II, LLC, Jill Court Associates II, LLC, Maiden Creek

Ventures II LP, Raritan Commons, LLC, and Lawrence W. Gardner (“Plaintiffs”), hereby move the Court, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for preliminary approval of the proposed settlements with Barclays PLC, Barclays Bank PLC, and Barclays Capital Inc. (collectively “Barclays”), JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (collectively “JPM”), Bank of America Corporation and Bank of America, N.A. (collectively “BOA”), and Citibank, N.A. (“Citi”). Plaintiffs also move the Court for provisional certification of the Barclays, HSBC, JPM/BOA, and Citi Settlement Classes, and for appointment of Settlement Class Counsel. In support of this motion, Plaintiffs rely upon the accompanying memorandum of law, the February 4, 2020 Declaration of Steven J. Greenfogel and exhibits thereto, the February 4, 2020 Declaration of Shannon R. Wheatman in Support of Notice Program in the Non-Defendant OTC Action and exhibits thereto, which are being filed contemporaneously with the motion.

DATED: February 4, 2020

Respectfully submitted,

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Lawrence W. Gardner and the proposed classes*